

SUPREME COURT OF THE STATE OF NEW YORK
COUNTY OF KINGS

Index No.: 22984/06

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MICHAEL KRYNSKI,

Plaintiff,

SUMMONS

Plaintiff designates Kings
County as the place of trial.

-against-

The basis of venue is:
Plaintiff's residence.

THOMAS H. CHASE, JR., and WESTERN EXPRESS,
INC.

Defendants.
-----X

Plaintiff resides at:
413 Manhattan Ave
Brooklyn, New York 11222.

To the above named Defendants:

You are hereby summoned to answer the complaint in this action, and to serve a copy of your answer, or, if the complaint is not served with this summons, to serve a notice of appearance on the Plaintiff's attorneys within twenty (20) days after the service of this summons, exclusive of the day of service, where service is made by delivery upon you personally within the state, or, within thirty (30) days after completion of service where service is made in any other manner. In case of your failure to appear or answer, judgment will be taken against you by default for the relief demanded in the complaint.

DATED: NEW YORK, NY
August 1, 2006

A handwritten signature in black ink, appearing to read 'M. Flomenhaft', is written over a horizontal line.

Michael Flomenhaft, Esq.
FLOMENHAFT & CANNATA, LLP
Attorneys for Plaintiff
MICHAEL KRYNSKI
90 Broad Street, 17th Floor
New York, New York 10004
(212) 785-9444

TO:

Thomas H. Chase, Jr.
1216 Whatcoat Street
Baltimore, MD 21217

Western Express, Inc.
7135 Centennial Place
Nashville, TN 37209

Western Express, Inc.
c/o CT Corporation System
111 Eighth Avenue
New York, NY 10011

SUPREME COURT OF THE STATE OF NEW YORK
COUNTY OF KINGS

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MICHAEL KRYNSKI,

Plaintiff,

-against-

THOMAS H. CHASE, JR., and
WESTERN EXPRESS, INC.

Defendants.
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Index No.:

VERIFIED
COMPLAINT

Plaintiff, by his attorneys, FLOMENHAFT & CANNATA, LLP,
complaining of Defendants, alleges upon information and belief that on February
26, 2005 (unless otherwise specified):

FIRST CAUSE OF ACTION

1. Plaintiff MICHAEL KRYNSKI was a resident of the County of Kings
and State of New York.

2. Plaintiff MICHAEL KRYNSKI owned a 2000 Pontiac motor vehicle
bearing New York registration plate number ASU6018.

3. Defendant WESTERN EXPRESS, INC. owned a 1999 Freight vehicle
bearing the Tennessee registration plate number 97866HY.

4. THOMAS H. CHASE JR. operated the vehicle owned by Defendant
WESTERN EXPRESS, INC. with the knowledge, consent, and permission of
Defendant WESTERN EXPRESS, INC.

5. The motor vehicle owned by Defendant WESTERN EXPRESS, INC.
and operated by Defendant THOMAS H. CHASE JR. collided with the motor
vehicle owned by Plaintiff on the southbound Bruckner Expressway at, or near, its
intersection with the Pelham Parkway.

6. Defendant WESTERN EXPRESS, INC. was and continues to be a foreign business corporation duly organized, existing, and doing business under and by virtue of the laws of Tennessee.

7. Defendant WESTERN EXPRESS, INC. was and continues to be a foreign business corporation doing business in the State of New York.

8. That by virtue of New York State Vehicle and Traffic Law §253, and otherwise, defendant WESTERN EXPRESS, INC. is subject to New York State jurisdiction.

9. That by virtue of New York State Vehicle and Traffic Law §253, and otherwise, Defendant THOMAS H. CHASE, JR. is subject to New York State Jurisdiction.

10. That at all times mentioned the southbound Bruckner Expressway, at or near, its intersection with the Pelham Parkway within the County of the Bronx and the State of New York was and still is a public highway in common use by the residents of that county, and others.

11. The foregoing collision was caused solely as a result of the negligence of Defendants in their failure to carefully and properly own, operate, maintain, manage, and control their respective motor vehicles.

12. Solely as a result of the foregoing, Plaintiff sustained serious personal injuries as defined by Article 51 of the New York State Insurance Law and as such is entitled to recover for non-economic losses and for such items of basic economic loss as are not included within the definition of basic economic loss as defined by a Article 51 of the New York State Insurance Law.

13. Plaintiff is a covered person as defined by Article 51 of the New York State Insurance Law.

14. Plaintiff is a non-covered person, and is entitled to recover all economic and non-economic losses.

15. This action falls within one or more of the exceptions set forth in CPLR §1602 with regard to joint and several liability.

16. Solely as a result of the foregoing, Plaintiff MICHAEL KRYNSKI suffered serious, severe, and permanent personal injuries, has been prevented from attending his usual activities and duties, has sought and will continue to need medical care and treatment, has sustained pain and suffering, and has been damaged in an amount exceeding the jurisdiction of all other courts.

17. The amount of damages sought exceeds the jurisdiction of all lower courts which would otherwise have jurisdiction.

WHEREFORE Plaintiff demands judgment against Defendants in an amount that a jury would find adequate, and just, together with the costs and disbursements of this action.

DATED: NEW YORK, NY
August 1, 2006

Yours, etc.

A handwritten signature in black ink, appearing to read "Michael Flomenhaft", is written over a horizontal line.

Michael Flomenhaft, Esq.
FLOMENHAFT & CANNATA, LLP
Attorneys for Plaintiff
MICHAEL KRYNSKI
90 Broad Street, 17th Floor
New York, New York 10004
(212) 785-9444

CLIENT VERIFICATION

MICHAEL KRYNSKI, being duly sworn, says:

I am the plaintiff in the action herein. I have read the annexed

SUMMONS AND COMPLAINT

and know the contents thereof, and the same are true to my knowledge, except those matters therein which are stated to be alleged upon information and belief, and as to those matters I believe them to be true. My belief as to those matters therein not stated upon knowledge, is based upon facts, records, and other pertinent information contained in my personal files.

DATED: NEW YORK, N Y
August 1, 2006


MICHAEL KRYNSKI

STATE OF NEW YORK

ss:

COUNTY OF NEW YORK

On the 1 day of August, 2006, before me personally came MICHAEL KRYNSKI, to me and known to me to be the same person described herein and who executed the foregoing Client Verification, and acknowledged to me that (s)he executed same.

Subscribed and sworn to before me this 1 day of 08, 2006.


NOTARY PUBLIC

MICHAEL FLOMENHAFT
Notary Public, State of New York
No. 02FL4804237
Qualified in New York County
Commission Expires May 31, 2010